

REMARKS

Claims 1, 5, 8-13, 17-19 and 21-24 are pending in this application. By this Amendment, the specification, Fig. 5, and claims 1, 9, 11-13, 18-19, and 21-22 are amended, and claim 24 and Fig. 7 are added. No new matter is added.

I. Basis For Entry

Applicants respectfully submit that the foregoing amendments should be entered as a matter of right, for the reason that the finality of the current rejection is improper, as explained below.

The current Office Action includes rejections of, *inter alia*, claim 1 under 35 U.S.C. §112, first and second paragraphs. The subject matter at issue is the inner and outer sets of projections recited in the claims. However, the inner and outer sets of projections were present in claim 1 in the March 17, 2003 Amendment. Therefore, Applicants' August 14, 2003 Amendment, the most recent Amendment, did not necessitate this new ground of rejection. Accordingly, the finality is improper and should be withdrawn.

Furthermore, the claim amendments currently made do not narrow the scope of the former claims, and most are made in direct response to the Examiner's requests that were made in the Final Rejection (e.g., regarding the term "container-side" in claim 11) and/or in an October 22, 2003 telephone conference with the undersigned (e.g., amendment of "second" to --third-- in independent claim 1, the amendment to dependent claim 9, the amendment of "third" to --second-- in the penultimate and final paragraphs of claim 11, the rephrasing of the "optionally" language in claims 18 and 19, and the changing of "second" to --third-- in claim 21 and in the last paragraph of claim 22). Furthermore, new claim 24 is the same as independent claim 1 except that claim 24 (a) does not have the "inner and outer sets" requirement and (b) instead of reciting "acute angle", redefines this feature in the last paragraph, because the Examiner suggested in the November 13, 2003 telephone conference

with the undersigned that, if the "acute angle" is "better defined" then the claims should be allowable even without the "inner and outer sets" feature. Accordingly, it is believed that claim 24 should not require additional search and/or consideration.

Entry of the foregoing amendments is therefore respectfully requested.

II. Amendments To The Drawings

Submitted herewith are formal drawings, Figs. 1-7. Figs. 1-4 and 6 correspond to informal Figs. 1-4 and 6 as filed, and Fig. 5 corresponds to informal Fig. 5 as filed, except that Fig. 5 is revised to label the outer projections as 110a, 210a and 212a, and the inner projections as 110b, 210b and 212b, for better clarity. Fig. 7 is added to show a bottom plan view of the container 100 shown in Fig. 5. The addition of Fig. 7 is clearly supported by, for example, as-filed Fig. 5 and, for example, paragraph [0019] of the specification, which describes that, rather than a single set of each of the attachment projections, two sets of each may be provided, approximately defining concentric circles.

III. Amendments To The Specification

The specification is amended to reflect the changes to the drawings.

IV. Objections to the Claims, and Claim Rejections Under 35 U.S.C. §112

A. The Office Action objects to claim 11, asserting that "container-side" should be changed to --container-- for better clarity. The current amendment makes this correction as required, and also makes corresponding changes in other claims for consistency.

B. The Office Actions rejects claims 1, 5, 8-13, 17, 18 and 21-23 under 35 U.S.C. §112, first paragraph, asserting that the "inner and outer sets" feature is new matter. This rejection is respectfully traversed.

As described above in connection with the discussion of the drawings, at least original Fig. 5 and paragraph [0019] of the as-filed specification clearly support the recitation of inner and outer sets of attachment projections. In the original Fig. 5 and in the original paragraph

[0019], both the inner and outer sets were labeled as 110, 210 or 212, but in the revised Fig. 5 and amended paragraph [0019], for better clarity, the outer sets have been labeled as 110a, 210a and 212a, and the inner sets have been labeled as 110b, 210b and 212b. This change does not constitute new matter, since the two separate sets were shown and described all along, but it is believed that this change results in better clarity.

To address the Office Action's assertion that "it is not clear if [the inner and outer sets of projections of the third attachment mechanism] will both contact the first attachment projections", claims 1 and 22 have been amended to recite that each first attachment projection engages a respective one of the third attachment projections. Thus, it should be even clearer that each first attachment projection does not contact separate third attachment projections in different sets, and that there could be more third attachment projections than there are first attachment projections, such that some of the third attachment projections are not engaged with any first attachment projection when the lid is attached to the bottom surface of the container in an inverted state. Claim 11 does not recite the engagement of the first attachment projections and second attachment projections, and therefore is irrelevant to this portion of the rejection.

Accordingly, withdrawal of the rejection is respectfully requested.

C. The Office Action rejects claims 1, 5, 8-13, 17, 18 and 21-23 under 35 U.S.C. §112, second paragraph. This rejection is also directed to the "inner and outer sets" subject matter. Applicants believe that the foregoing amendments and discussion regarding the rejection under 35 U.S.C. §112, first paragraph adequately address this rejection. Withdrawal of the rejection is respectfully requested.

V. The Pending Claims Patentably Define Over the Applied Prior Art

A. The Office Action rejects claim 1, 5, 8-13, 17-19 and 21-23 under 35 U.S.C. §103(a) over U.S. Patent No. 5,586,656 to Abrums in view of various other references, and

rejects claims 1, 5, 8-10, 12-13, 17-19, 22 and 23 under 35 U.S.C. §103(a) over DE 1811773 in view of various other references. These rejections are respectfully traversed.

The Office Action acknowledges that none of these references teach the "inner and outer sets" features recited in independent claims 1, 11 and 22, but asserts that the rejections are nonetheless proper because the "inner and outer sets" allegedly represent new matter. However, as discussed above in detail, the inner and outer sets do not represent new matter. Therefore, these rejections are moot and/or improper, since the references applied do not disclose the features in question. Accordingly, withdrawal of these rejections is respectfully requested.

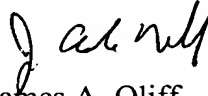
B. As discussed above, claim 24 is similar to claim 1 but, rather than reciting inner and outer sets of attachment projections, claim 24 redefines the angle of attachment projections as causing a force resisting detachment of the lid from the container. As agreed in principle by the Examiner during the above-referenced November 13, 2003 telephone conversation with the undersigned, the prior art does not disclose attachment projections angled as disclosed by Applicants. Although no specific language was agreed to during that conversation, Applicants respectfully submit that the language now submitted is even more clear in defining over the prior art in this regard. Claim 24 is allowable at least for this reason.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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